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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.           | CONFIRMATION NO.       |
|---|-------------|----------------------|-------------------------------|------------------------|
| 10/518,748  | 07/26/2005  | Hermann Raabe        | 095309.55705US                | 1320                   |
| 23911 7590 09/25/2007<br>CROWELL & MORING LLP<br>INTELLECTUAL PROPERTY GROUP<br>P.O. BOX 14300<br>WASHINGTON, DC 20044-4300 |             |                      | EXAMINER<br>PILKINGTON, JAMES |                        |
|   |             |                      | ART UNIT<br>3682              | PAPER NUMBER           |
|   |             |                      | MAIL DATE<br>09/25/2007       | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/518,748 | <b>Applicant(s)</b><br>RAABE ET AL. |  |
|                              | <b>Examiner</b><br>James Pilkington  | <b>Art Unit</b><br>3682             |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 5/3/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/22/04 &amp; 5/03/07</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. The steering wheel must be shown or the feature(s) canceled from the claim(s). Also, the torque-transmitting joint (8) is not shown "forming the connection between the steering spindle (2) and the steering shaft (3)," as cited in clm 1. This must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

Claim 2 is objected to because of the following informalities:

- In line 4 of the clm, "that end" should be - - the end - -

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. What is the "torque-transmitting joint," as cited in clm 1? Is the "torque-transmitting joint" the same as a universal joint?

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 15, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ganser, USP 5,947,517 in view of Bouchard, FRP 1,125,053.

Re clm 1, Ganser discloses a steering spindle (8) which bears a steering wheel (2), a steering shaft (5) connected to the steering spindle (8), a torque-transmitting joint (See Fig 1 below) forming the connection between the steering spindle (8) and the steering shaft (5) and a second moveable link element (Fig 1 below).

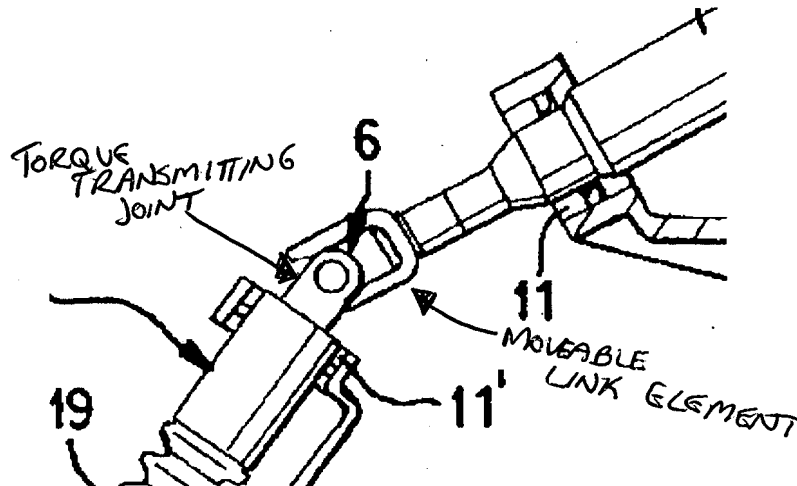


Figure 1. Ganser's torque-transmitting joint.

Ganser does not disclose that said second moveable link element is an axially moveable for axial length compensation comprising at least one coupling member with two parallel axes of rotation, and a spigot cross element being coupled to the end of the steering spindle which lies opposite the steering wheel, one axis of the spigot cross element forming an axis of rotation for the coupling member, wherein the steering shaft has a flange which ends at a distance from the longitudinal axis of the steering shaft, the flange executing a pivot movement about the upper axis of rotation of the coupling member.

Bouchard teaches a moveable link element (Fig 4/5 or see Fig 2 below) for the purpose of allowing for relative variations of the orientations and respective axial

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positions (col 1) comprising at least one coupling member (1) with two parallel axes of rotation (2,3), and a spigot cross element (4) being coupled to the end of the steering spindle (5) which lies opposite the steering wheel, one axis of the spigot cross element (4) forming an axis of rotation (2) for the coupling member (1), wherein the steering shaft (6) has a flange (7) which ends at a distance from the longitudinal axis of the steering shaft, the flange executing a pivot movement about the upper axis of rotation (3) of the coupling member (1).

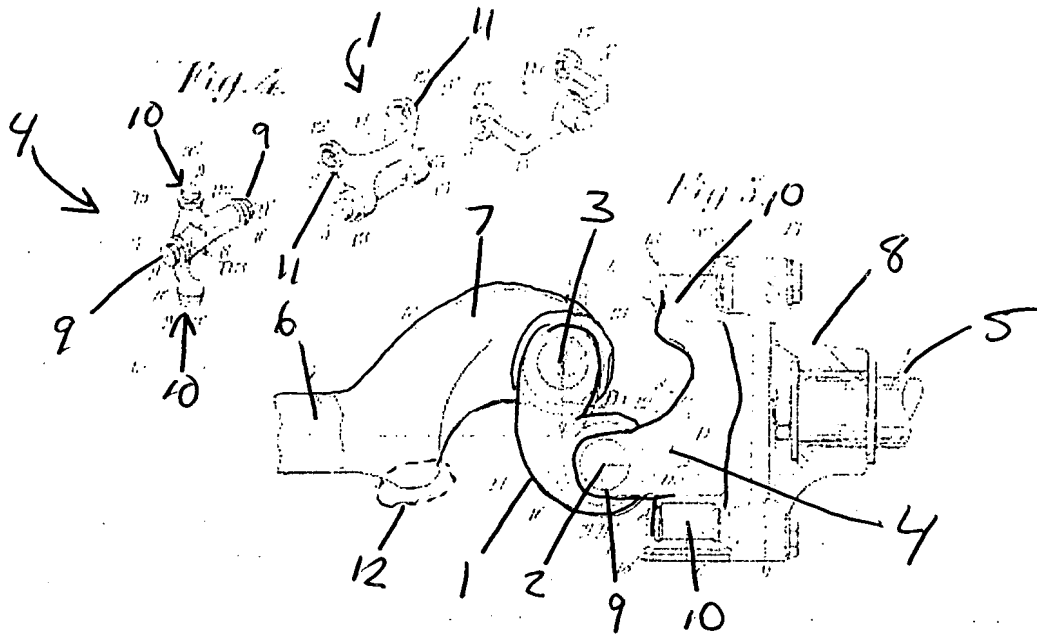


Figure 2. Bouchard's extensible joint for motor vehicles. The examiner has added character references to better explain the drawing.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of Ganser and provide an axially moveable link element, as taught by Bouchard, for the purpose of allowing for relative variations of the orientations and respective axial positions.

Re clm. 2, Bouchard discloses the spigot cross element (4) being mounted in a forked joint (8). From the combined invention of Ganser and Bouchard discussed above said forked joint will be arranged at the end of the steering spindle which lies opposite the steering wheel.

Re clm. 3, Bouchard discloses two transverse spigots (9) of the spigot cross element (4) form a transverse bolt of the coupling member (1).

Re clm. 4, Bouchard discloses two longitudinal spigots (10) of the spigot cross element (4) form a pivot axis of the forked joint (8).

Re clm. 5, Bouchard discloses that the coupling member (1) comprises two side plates (11) through which two transverse bolts pass, the transverse bolts form the axes of rotation (2,3) of the coupling member (1).

Re clms. 6, 8, 10, 12 and 14, Bouchard discloses the flange being provided with an additional mass (12).

Re clms. 7, 9, 11, 13 and 15 Gasner discloses the steering shaft (5) being formed with a corrugated tube section (19).

It is noted that at this time an English translation of the Bouchard document is not available. However, the examiner has requested a translation.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Pilkington whose telephone number is (571) 272-5052. The examiner can normally be reached on Monday-Friday 8:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James Pilkington  
9/4/07



RICHARD RIDLEY  
SUPERVISORY PATENT EXAMINER